THE HON'BLE SRI JUSTICE GOPALA KRISHNA TAMADA

WRIT PETITION No.14764 of 1997

DATED : 25.01.2007

Between:

Rudraraju Venkata Subba Raju S/o R.Naga Raju,
R/o Chengalrajugaripalli village, V.P.r.Kandriga post,
Railway Koduru Mandal, Kadapa District.

.... **PETITIONER**

And:

The Land Acquisition Officer/Revenue Divisional Officer/Sub-Collectgor, Rajampet, Kadapa District and others.

....**RESPONDENTS**

THE HON'BLE SRI JUSTICE GOPALA KRISHNA TAMADA

WRIT PETITION No.14764 of 1997

ORDER:

Petitioner is a landless poor person, who was granted D-Form patta in an extent of Ac.1.60 cents in Sy.No.2001/2 and Ac.1.68 cents in Sy.No.2002/3, vide D-Form patta D.Dis.No.959/71. It is the case of the petitioner that he developed the said land and also raised cashew nut garden in the said land and was eking out his livelihood with the income from the said land and trees. While so, the respondent-authorities acquired the said land for the purpose of digging a canal, without giving any notice and without paying any compensation to the petitioner, and thereby he is deprived of his livelihood. He alleged to have made several representations to the respondents, but in vain. He claims that he is entitled to compensation as per G.O.Ms.No.1307 Revenue (Assignment-I) Department dated 23.12.1993. Hence, he seeks a direction to the

respondents to implement the said G.O., and pay compensation to the petitioner in respect of the said land and trees.

The first respondent filed a counter admitting the assignment granted in favour of the petitioner and also the petitioner's entitlement for exgratia as per G.O.Ms.No.1307. But existence of cashew nut trees in the said land as on the date of acquisition was denied.

Heard the learned counsel for the petitioner and the learned Assistant Government Pleader for Land Acquisition.

There is no dispute with regard to the assignment of the said land in favour of the petitioners. There is also no dispute about the fact that the petitioner shall be paid exgratia as per G.O.Ms.No.1307. However, according to the learned counsel for the petitioner, a larger bench of this Court held that even if the land is an assigned land, the assignee is entitled for compensation on par with those whose lands are acquired and in that context, the learned counsel for the petitioner has drawn my attention to the decision of a larger bench of this Court in the case of ***Land Acquisition Officer-cum-R.D.O., Chevella Division, Hyderabad, v. Mekala Pandu*** [1], wherein it was held that the assignee is entitled to compensation equivalent to full market value of land and other benefits on par with full owners of land.

However, the learned Assistant Government Pleader for Land Acquisition submitted that the Government preferred Special Leave Petition before the Supreme Court

and the Supreme Court suspended the operation of the said order, and hence, this Court cannot direct the respondents to pay compensation for the land that was acquired from the petitioner, and the petitioner is only entitled to exgratia as per G.O.Ms.No.1307.

In view of the said submissions, this Court is of the view that the petitioner is entitled to exgratia so far as the said land is concerned, but not entitled to exgratia so far as the cashew nut trees are concerned, as it is the case of the respondents that there were no cashew nut trees in the said land at the time of acquisition.

Accordingly, this writ petition is disposed of directing the first respondent to pay exgratia to the petitioner for the said land acquired from him, in lumpsum, in terms of G.O.Ms.No.1307 dated 23.12.1993. There shall be no order as to costs.

25.01.2007

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[1] 2004 (2) ALT 546 (L.B),